

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

340B HOLDINGS, LLC D/B/A SUNRX,

PLAINTIFF,

v.

MATTHEW BOBO, IN HIS INDIVIDUAL
CAPACITY, AND PERFORMANCE
HEALTHCARE SOLUTIONS, LLC,

DEFENDANTS.

§
§
§
§
§
§
§
§
§
§
§

1:20-CV-197-RP

**DEFENDANTS' MOTION FOR LEAVE TO FILE UNDER SEAL EXHIBITS TO DEFENDANTS'
RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Local Rule CV-5.2 and the Agreed Protective Order in this matter, Defendants Matthew Bobo and Performance Healthcare Solutions, LLC ("**Defendants**") respectfully file this Motion for Leave to File Under Seal Exhibits to Defendants' Response in Opposition to Plaintiff's Motion for Preliminary Injunction (the "**Sealing Motion**"), filed simultaneously with their Response in Opposition to Plaintiff's Motion for Preliminary Injunction (the "**Opposition Response**").

The Parties have entered into an Agreed Protective Order in this matter which governs the treatment of materials designated in discovery by either party as "Confidential". The Agreed Protective Order is the standard form Protective Order used by the Western District of Texas. The Exhibits to the Opposition Response listed below have been designated by Plaintiff 340B Holdings, LLC d/b/a SUNRx ("**Plaintiff**" or "**SUNRx**") as either "Confidential" or "Attorneys' Eyes Only". Consequently—without conceding the proprietary nature of any such document—in order to comply with the Agreed Protective Order, Defendants are submitting them under seal and, related, submit this Sealing Motion to effect same.

Defendants, therefore, respectfully request that the Court grant this Sealing Motion and that the Court enter an order allowing Exhibits 2, 3, 10, and 12-13 be filed with the Court under seal for the Court's

consideration in connection with SUNRx's Motion for Preliminary Injunction. A proposed order is also attached.

Dated: April 13, 2020

Respectfully submitted,

By: /s/ Stephen E. Fox
Stephen E. Fox
Texas Bar No. 07337260
sfox@sheppardmullin.com
Amanda Cottrell
Texas Bar No. 24064972
acottrell@sheppardmullin.com
Jonathan E. Clark
Texas Bar No. 24069515
jclark@sheppardmullin.com

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
2200 Ross Avenue, Suite 2400
Dallas, Texas 75201
Telephone: 469.391.7400
Facsimile: 469.391.7401

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system. All others will be served via electronic mail.

/s/ Stephen E. Fox
Stephen E. Fox